(10)

G. R. S. IX-5]

*Previous references.*

No Q 9338-PP 134-18-22 dy 25-4-18
& 17303/PP dt 28-5-1918-20.
dy 14.2.19 ( P.P )

File No. 6-19

Serial Nos. 348+400

Ch Ver-19 (4-4)

*Later references.*

PP 6-19 (416)
P.P. 10-21-2

# GENERAL AND REVENUE SECRETARIAT.

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*Serial Nos.* Two only

**Part B for** Sept 20.

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SUBJECT.

Food Supply arrangements.

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(348 to 400) To, The Ford Commissioner
" Dist Magte, Bangalore
" Govt Advocate
No Q 7038-40 dy 29.9.20
Requests the Govt Advocate to prefer an appeal in the High Court against the acquittal passed by the 1st Class Magte

WD 2233—GPB—20,000—14-6-20

G. R. S. III—1] 1919-20

GENERAL AND REVENUE SECRETARIAT.

P. P. )

NOTES.

File No. 6

FILE HEADING.

Food supply arrangements

From The Food Controller in Mysore

No. 5530 Dated 4/5.5.20 Received 6.5.20.

Diary No. 189/66 Enclos. One Spare Copies. Serial No. 348

BRIEF ABSTRACT OF LETTER.

Submits a copy of the judgment of the Fourth Class Magistr-Bangalore in C.C. Case No. 130 of 19-20 re the prosecution of one S.K. Venkatnarayana of the Cauvery Rice Mills for having sold rice at rates in excess of those fixed by Govt.

NOTES AND ORDERS.

Submd for perusal

The Magistrate has held that a Notn No G 9338 of 25.11.18 under which the accused acts constituted an offence had been

NOTES—First Sheet.

R. S. III-2]

General and Revenue Secretariat. | R. P File No. 6 of 191 9

Serial No.

repealed or abrogated on the date of the institution of the case, that the institution of the complaint was in-valid & the prosecution un-sustainable -

Notn no 9338 was issued on 25.11.18

Date of Notice - 12. .1919

(Withdrawal of Maximum prices fixed in Notn 9338) 14. 2. 1919

Prosecution Sanctioned - 17. 5. 1919

Case instituted - 10. 6. 1919

Mg

8/5/20 (Chief Sec)

8/5/20.

Please consult the Govt advocate

8/5/20

Forwarded with compliments to the Govt. advocate for favour of opinion.

By order

for Chief Sec

10/5/20

General and Revenue Secretariat. | P. P File No. 6 of 1919.

1959

| Serial No. | |
|---|---|
| No. 1942/1920 | 21 |

GEN. SECRETARIAT.
23 SEP 1920

The Press Communique of Govt dated 14th Feb 1919 Cancelling previous orders regarding maximum wholesale & retail prices was issued mainly for the purpose of allowing free play to the normal operations of trade in future, and it was obviously not intended to have retrospective effect. It is an accepted principle that no rule shall be Construed so as to have retrospective operation unless such a Construction is warranted by the terms of the rule or arises by necessary & Distinct implication. The object of the Press Communique is clear & it does not expressly or implicitly affect any liability incurred ~~inurred~~ by virtue of previous orders under Rule 3 Sub rule (5) & (6) of the Rule, issued under the Defence of India Regulation. That rule was not revoked on the date of the prosecution or during the Course of the trial of the accused in the Case. The orders & notifications of Nov. 1918 fixing the maximum & retail price prescribed for observance certain Conditions, infringement of which

Constituted an offence under the rule aforesaid. The accused in this case having violated these conditions there committed an offence against the rule & the violation therefore attracts the application of the rule which is still in force. The fact that similar acts done in future ceased to be penal cannot affect the criminality of the accused in this particular instance.

The Punjab ruling reported in 41 I.C. has reference to a case in which the Statute law creating the offence had been repealed before trial & ~~therefore~~ there was therefore no law rendering the act complained of punishable at the time of the trial. The Common law principle propounded by Maxwell in Interpretation of Statutes, which is the one cited in the 11 W.N. case also seems applicable only to a case where the repealed Enactment itself created the offence. In the present instance as already observed Rule 3 of the Rules under the defence

Serial No.

of India Reg. renders punishable an act done in contravention of orders prescribed by Govt and that rule as I have stated is still in force. The fact that similar act done after Feb 1919 ceased to be criminal cannot have the effect of rendering innocent an act which had already become penal and for the punishment of which provision was made in Rule 3 a rule which has not yet ceased to be operative. In the English Case quoted by the magte the common law principle referred to by maxwell was not taken as the sole guide inasmuch as there was the specific provision in the rules under the defence of Realm act that the Interpretation act was applicable to such a rule. But I am not quite sure if it would make any difference in Mysore even though the General clauses Reg.n (corresponding to the English Interpretation act) has not been made specifically applicable to the rules in question framed by our Govt under the

G. R. S. III-2]

General and Revenue Secretariat. P. P. File No. 6. of 191 9

Serial No.

Defence of India Reg.

The point involved is one of some difficulty & not altogether free from doubt. I have applied a careful examination of the English & Indian laws bearing on the question. Come to the conclusion that the distinction I have indicated above does really supply the crucial test in regard to the applicability of the principle whereon the ultimate decision of the case must rest. By applying that test I have come to be of the opinion not without some hesitation that the view taken by the magte is not the correct one. It seems to me that under the circumstances an appeal against the order of acquittal should be preferred unless Govt shd be of opinion that it is not worth while moving in the matter the restrictions on prices having since been withdrawn

Dorabji
21.9.20

CHIEF SECRETARIAT
POLITICAL BRANCH
23 SEP. 1920

NB. The appeal time expires by the 26th of next m

18/66 (7)

G. R. S. III-21

General and Revenue Secretariat. | P.P. File No. 6 of 19 19

Serial No.

Submitted
Mg
23/9/20
Chief Secy

For orders.
MK
23/9/20

An appeal might be filed in this case -
Dewan
CBS
23/9/20
Yes
CBS
23/9/20
28.9.20 SM

Drafts submitted
Mg
29/9/20

400 To the Food Controller
Dt. Magt. Bangalore
Govt Advocate
No G 7038-40 d/29.9.20
With refce to dl 3648 requesting the Govt Advocate to prefer an appeal in the Chief Court against the acquittal passed by the 1st class Magistrate

DEWAN'S OFFICE
Recd. on SEP 24 1920
Reg. No. 2798

CHIEF SECRETARIAT
II
POLITICAL BRANCH
14 OCT. 1920

TH—Contn. sheet.

5530

ENCL- 1

Tel. Address
"CIVISUP"

6 MAY 1920

29981

DIRECTOR OF CIVIL SUPPLIES IN MYSORE,

Bangalore, Dated 4th May 1920

DIARY NO.

Muddukrishnappa, Esq., B.A.,
Assistant to the Director of Civil Supplies
In Charge of the Food Controller's offi

Balasundaram Iyer, Esq., B.A.,
Chief Secretary to the Government
of His Highness the Maharaja of Mysore

Adverting to correspondence ending with this offic
D.O. letter No.8414 dated the 16th December 1919, re
the prosecution of one S. K. Venkatanaranappa of the
Cauvery Rice Mill [illegible] an offence under the Defence of
India Regulation, [illegible]ve the honour to submit herewith
a copy of the judg[illegible] delivered by Mr. B. R. Krishnamachar,
first class Magist[illegible], Bangalore, in which he has he
that the instituti[illegible]f the present complaint is inva
and the prosecutio[illegible] the accused is unsustainable

I have the honour to be
Sir,
Your most obedient servant,

Assistant to the Director
of Civil Supplies, in Charg

.....

Section
File No.
Serial No.

General and Revenue Secretariat

*Proceedings of the Government*
*His Highness the Maharaja of Mysore.*

*191* .

Date of issue..... 29/9/

Signed by.....

May this be

Print

ii treated as a standing c

ii published in the Gaze
English Part

iv translated ?

v placed at the disposal of the press

vi published in the Gazette
Kannada Part ?

P. pr. 734. 1821 5629 &c.
17th May 1919. according
sanction to the proce
-edings of S. K. Ven-
-katanarayanappa, Asst
Cashier, Rice Mill Depar
~~Order Thereon No~~ Bangalore a
-nder Rule 3 B (6)
the Rules applied under
the Defence of India

(2) Letter no 5530 of 4/5th
May 1920 from the Head
Constable requesting submission
a copy of the judgment
delivered by the First Class
Magte, Bangalore, on the 2nd day of April 1920
in Cri. Case no 130 of 19-20
in the file of his court,
acquitting the accused
S. K. Venkatiramappa
ref'd to above -

Order - 05-5-20

Under Sec 417 of the
Cri. Pro: Code, the Govt
Advocate is requested
to prefer an appeal in
the Chief Court, against
the order of acquittal
passed by the First Class
Magte, Bangalore, in the
case ref'd to above.

List of enclosures.

Copied by

Examined by

WD 1744—GPB—30,060—17-8-19

To the
To. The Go